

C-O-N-T-E-N-T-S

CHAPTER 10 SPECIAL IMPROVEMENT DISTRICTS

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10-1-1 Title. This Article shall be known as the "Special Improvement District Ordinance" of the City.

10-1-2 Adoption of State Statutory Procedure. Except as otherwise provided in this Article or in the Municipal Home Rule Charter of the City, the statutes of the State of Colorado codified as Part 5 of Article 25 of Title 31, Colorado Revised Statutes, in effect as of the date hereof, shall prescribe the procedures for creating special improvement districts by the City, and all other matters related to special improvement districts. In addition, the City shall have the right and authority to use and operate under the provisions of the statutes of the state of Colorado codified as Part 11 of Article 25 of Title 31, Colorado Revised Statutes, in connection with such special improvement districts. Pursuant to Section 6.6 of the City's Municipal Home Rule Charter, such statutes are hereby adopted by reference without reading or publishing such statutes in full.

10-1-3 Specific Alterations of Statutes. In accordance with the authority contained in Section 10-1-2 of this Special Improvement District Ordinance, it is hereby provided that:

A. The provisions of §31-25-501(2) and (3), C.R.S., shall not apply to special improvement districts created or to be created by the City. In addition, for purposes of this Article, the following words shall have the following meanings:

1. "Elector" means a natural person who is a citizen of the United States and a resident of the State of Colorado, who is eighteen years of age or older, and who:
 - a. makes his primary dwelling place in the district; or
 - b. owns taxable real or personal property within the boundaries of the district; or

c. is the holder of a leasehold interest in taxable real or personal property within the boundaries of the district; or

d. is the natural person designated by an owner or lessee of taxable real or personal property in the district which is not a natural person to vote for such owner or lessee. Such designation must be in writing and filed with the City Clerk. Only one such person may be designated by an owner or lessee.

Nothing in this definition shall permit an elector to cast more than one vote.

2. "Owners," with reference to petitions, means those entities or persons in whom record fee title is vested although such title may be subject to a lien or other encumbrance.

3. "Property" means all real property, whether platted or unplatted, regardless of improvements.

a. The provisions of §31-25-503(1)(a), (b), (c), and (d), C.R.S., shall not apply to special improvement districts created or to be created by the City. Any improvement and any special improvement district may be initiated by either:

i. submission to the City of a petition therefor signed by the owners of not less than twenty-five percent (25%) of the property by area within a proposed special improvement district; or

ii. adoption of an ordinance by the City Council declaring its intention to create a special improvement district and to construct, install, or otherwise acquire such improvements, without the necessity of receiving a petition therefor. References in Title 31, Article 25, Part 5, Colorado Revised Statutes, to the resolution of intention to create a special improvement district under §31-25-503(1)(d), C.R.S., shall be deemed to refer to the ordinance of intention provided herein. If initiated by ordinance, the City Council shall make a preliminary order as required by §31-25-503(3) in the same manner as if the improvements had been requested by petition. Such preliminary order may be included in the ordinance of intention to construct the improvements. In accordance with Section 8.7

of the City's Municipal Home Rule Charter, if the owners of a majority of the property within a special improvement district oppose a project, the cost of such project if constructed shall not be assessed against the property in such district. The City shall not be required to create any special improvement district, to construct, install, or otherwise acquire any particular improvement, use any particular materials, or to assess the costs thereof in any particular manner, regardless of any petition submitted.

b. Petitions shall be in the form prescribed by the City Clerk and shall contain:

- i. a general description of the improvements requested by the petitioners;
- ii. the properties to be assessed;
- iii. the requested method or methods of assessing the costs of the improvements;
- iv. the names and addresses of the persons or entities signing the petition;
- v. the name and address of at least one person who is empowered to represent those signing the petition; and
- vi. such other information as the City Clerk may require. Unless otherwise determined by the City Clerk, any petition presented to the City Council shall be accompanied by a cash deposit, bond, or other surety acceptable to the City Clerk, sufficient to cover the costs (as estimated by the City Clerk) associated with the giving of notice, the holding of hearings, and all other matters associated with the creation of the proposed district. If at any time the amount of surety deposited proves insufficient to cover such costs, the City Clerk may order the posting of additional surety, and the failure to post such security as determined by the City Clerk will constitute grounds for terminating any proceedings in connection with the petition for such special improvement district.

c. Upon either:

i. receipt of a petition meeting the requirements of this Section; or

ii. adoption of an ordinance declaring the intention of the City Council to create a special improvement district, the notice provided in §31-25-503(4), C.R.S., shall be given; provided that pursuant to §31-25-503(4.5), C.R.S., such notice and hearing may be waived. A certificate signed by the City Clerk or the City Manager certifying that such notice was mailed or delivered in accordance with §31-25-503(4), C.R.S., shall be conclusive of the facts so stated.

d. The provisions of §31-25-516, C.R.S., shall not apply to special improvement districts created or to be created by the City. The letting of contracts for the construction, installation, or other acquisition of improvements for special improvement districts shall be in such manner as provided in the City's purchasing policies and procedures then in effect adopted pursuant to Section 11.8 of the City's Municipal Home Rule Charter.

e. The provisions of §31-25-518, C.R.S., shall not apply to special improvement districts created or to be created by the City. Contracts for the construction, installation, or other acquisition of improvements for special improvement districts shall contain such provisions as may be determined by the City Manager to be in the best interest of the City and consistent with the City's purchasing policies then in effect adopted pursuant to Section 11.8 of the City's Municipal Home Rule Charter.

f. The provisions of §31-25-534 (1) and (2), C.R.S., shall not apply to special improvement districts created or to be created by the City. The City may issue securities for the purposes of paying any costs in connection with a district or the improvements therefor, including the costs of refunding outstanding special assessment securities, which securities shall be payable from special assessments, and which payment may be additionally secured as provided herein. The securities may be issued in such form and amount, bearing such interest rate or rates, payable in such period, bearing such signatures or other evidences of authentication, payable in such manner and in such place or places, and having such other terms,

as may be determined by the City Council and set forth in the ordinance or other documents pertaining to the issuance of the securities. Any election that may be required shall conform to the provisions of §31-25-534(3) and (4), C.R.S., except that those entitled to vote shall be electors, as defined in Section 10-1-3 of this Special Improvement District Ordinance, and that such elections shall be by mail ballot. If the election held pursuant to §31-25-534(3) and (4), C.R.S. is limited to the electors of the district, then the provisions of Section 8.7 of the City's Municipal Home Rule Charter allowing a pledge of a surplus and deficiency fund or an annual tax of no more than three (3) mills shall not apply.

g. The provisions of §31-25-537, C.R.S., shall not apply to special improvement districts created or to be created by the City.

10-1-4 Notice Requirement. It shall be unlawful for any person to knowingly sell, convey, or otherwise transfer real property which is within a special improvement district created by the City, or any interest in such property, without disclosing to the purchaser or transferee, in writing, the existence of such special improvement district.

10-1-5 Administrative Regulations. The City Manager may recommend and the City Council may adopt rules and regulations not inconsistent with this chapter, concerning the creation, administration, and other matters relating to special improvement districts.

(Ord. 14-96, 8-27-96)

